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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE: INCRETIN MIMETICS
12 PRODUCTS LIABILITY
13 LITIGATION

) MDL Case No.13md2452 AJB (MDD)

) As to all related and member cases

) ORDER GRANTING JOINT
14 MOTION FOR MODIFICATION OF
15 SCHEDULING ORDER AND
16 FOLLOWING STATUS
17 CONFERENCE

(Doc. 740)

18 On October 23, 2014 the Court held a telephonic status conference in this case.
19 Judge Highberger of the Los Angeles Superior Court participated as did 61 lawyers
20 representing the parties in the case. The list of counsel attending was made an exhibit to
21 the court record.

22 The topics of discussion included the status of depositions, the status of discovery
23 (SAS files, the list of remaining issues produced by plaintiffs, and the production of
24 privilege logs), the proposed modification of the Court's scheduling order, and the
25 Common Benefit Fund Order.

26 The depositions are nearing completion. One issue may arise concerning the
27 Broderick deposition. Counsel are conferring on that, and will contact the Court if they
28 can not agree to a resolution.

On the status of discovery, work continues on production of the SAS files, and counsel have set a deadline of **December 1, 2014** for production. A failure of production by December 1, 2014 will negatively impact the case schedule, which is modified below. The parties continue to work on resolving the items remaining issues submitted by plaintiffs. They have succeeded in resolving some items by agreement, others have been resolved by the Court, and work continues on the rest.

Next, Counsel report that the privilege logs are being produced by defendants. It is not yet known if issues exist in regards to the withheld items.

Counsel have been unable to resolve their differences on two items in the Common Benefit Order Agreement. Those will be submitted to the Court by motion.

The Court will hold a Status Conference on **December 11, 2014 at 3:00 P.M.** (Pacific Time) to review the parties continued progress regarding the items set forth above, any other items then pending.

Finally, and upon consideration of the submission of the parties (Doc. 740), and the discussion on the record at the conference, it is hereby ordered that the joint motion for modification of scheduling order is **GRANTED**. The Court accordingly **ORDERS** as follows:

1. As to Preemption:

- a. **November 17, 2014** -Each party must notify the other parties, by this date, of the experts (and their respective fields) for whom they intend to submit expert reports on preemption. If a party decides to not submit an expert report, they will notify the other parties of that decision on this date.
- b. **December 8, 2014** -The parties must file and serve any expert reports relating to preemption by this date.
- c. **January 16, 2015** -The parties must file and serve any rebuttal expert reports relating to preemption by this date. In the event a party decided to not submit an expert report on December 8, any rebuttal

expert reports must be limited to rebutting points made by the opposing parties' experts.


- d. On **February 2, 2015 at 3:00 P.M. (Pacific Time)** the Court will hold a status conference and will then set a schedule for any expert discovery and for hearing and briefing any summary judgment motion on preemption.

2. As to General Causation:

- a. **February 17, 2015** -Plaintiffs' disclosure of experts and their reports as to general causation must be filed and served by this date.
- b. **March 20, 2015** -Defendants' disclosure of experts and their report as to general causation must be filed and served by this date.
- c. **March 30, 2015** -Plaintiffs' rebuttal reports as to general causation must be filed and served by this date.
- d. **May 15, 2015** -All expert discovery relating to general causation must be completed by this date.

IT IS SO ORDERED.

DATED: October 23, 2014



Hon. Anthony J. Battaglia
U.S. District Judge